

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
vs.)	No. 07 CR 50070-04
)	Judge Frederick J. Kapala
HAROLD LAMAR RAINS)	

AGREED MOTION TO MOVE SENTENCING HEARING

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully submits this “Agreed Motion To Move Sentencing Hearing.” In support of this motion, the United States states as follows:

1. The sentencing hearing for defendant HAROLD LAMAR RAINS is currently set for Thursday, October 2, 2008, at 10:30 a.m.
2. In the written plea agreement entered on June 19, 2008, the United States promised to make known to this Court the extent of defendant’s cooperation relating to the matters for which he was charged. Assuming defendant’s truthful cooperation, the United States will ask the court to impose a sentence within the Guidelines range and to make no further recommendation concerning at what point within the range a sentence should be imposed. It is the position of both the United States and the defendant that this Court should take into account the extent of defendant’s cooperation in deciding whether to accept this agreed sentence.
3. The defendant has agreed to cooperate in the criminal case against his co-defendant, Samer Aljabari: *United States v. Samer Aljabari*, 07 CR 50070-01 (USDC ND IL WD).
4. The co-defendant’s pretrial motion to suppress is set for hearing on September 30, 2008. Thus, the parties currently anticipate a trial setting sometime in November 2008.

5. Because defendant has not yet had an opportunity to provide testimony in the case referred to above, the United States is not in a position to advise this Court of the extent of his cooperation.

6. In his plea agreement, defendant agreed to postpone his sentencing hearing until after the trials of his co-defendants.

7. I have spoken with defendant's attorney, Robert Fagan, and he stated that he has no objection to a motion to move the sentencing hearing.

8. Because this motion is submitted upon stipulation, notice of presentment is not required. Local Rule 5.3(a).

WHEREFORE, for the reasons stated above, the United States respectfully requests that this Court enter an order moving defendant HAROLD LAMAR RAINS's sentencing hearing to a date after his co-defendant's case has been concluded.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: /s Joseph C. Pedersen
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CERTIFICATE OF FILING AND SERVICE

I, JOSEPH C. PEDERSEN, certify that on September 11, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following documents:

UNITED STATES' AGREED MOTION TO MOVE SENTENCING HEARING

were served pursuant to the district court's ECF system as to ECF filers, and were hand-delivered on September 11, 2008, to the following non-ECF filers:

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